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Canada

Ministère de la Justice
Canada

Evaluation of the Department of Justice Professional Development Function Final Report

**Evaluation Division
Corporate Services Branch**

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Canada

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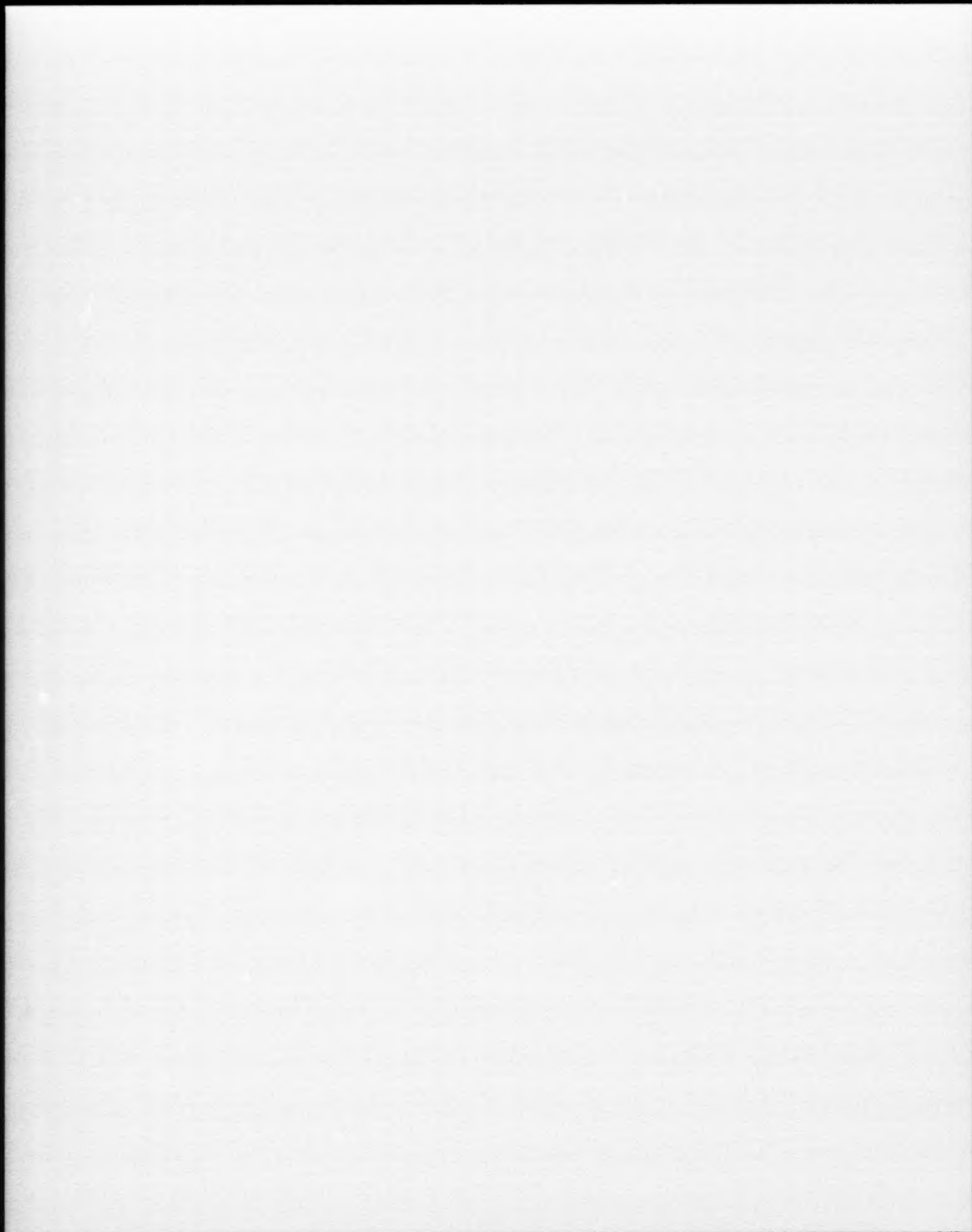
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ACRONYMS

CLEP	Continuing Legal Education Program
CSPS	Canada School of Public Service
The Department	Department of Justice
LPD	Centre of Expertise for Learning and Professional Development
NLS	National Litigation Sector
PD	Professional Development



EXECUTIVE SUMMARY

1. Introduction

The evaluation of the Department of Justice (Department) Professional Development (PD) function was conducted by the Department's Evaluation Division and covers a five-year period (2012-13 to 2016-17). The evaluation was completed in accordance with Treasury Board's *Policy on Results* (2016). Its main objective was to assess the performance (effectiveness and efficiency) of the PD function.

2. Professional Development Function Profile

The purpose of the PD function is to ensure that employees are equipped with the knowledge and skills to effectively deliver on their work objectives. Furthermore, employees are offered the possibility to develop new skills to meet both departmental business requirements and career aspirations. For the Department's lawyers, continuing PD training is required by law societies in order to maintain their licenses to practice law, and those licenses are a requirement of employment.

The function is based on three main delivery providers:

- **The Continuing Legal Education Program (CLEP)** is responsible for the planning and delivery of wide-ranging legal training on substantive legal content and skills development for all Justice Canada employees. In addition, CLEP is the main interlocutor with provincial law societies in relation to the accreditation of legal learning to lawyers.
- **The Centre of Expertise for Learning and Professional Development (LPD)** (formerly Professional Development Directorate) is responsible for common, non-legal, and Justice Canada learning not available through the Canada School of Public Service (CSPS). LPD also manages the relationship with CSPS and acts as a liaison.
- **The Canada School of Public Service** offers a broad range of government-wide learning opportunities. Beginning in 2014-15, CSPS became the provider of core curriculum common to all public servants.

3. Evaluation Methodology

The evaluation strategy was based on an approach using multiple sources of evidence. The lines of evidence included: a document and data review; key informant interviews with 37 individuals responsible for developing, delivering and/or coordinating PD within the Department, as well as portfolio, sector and regional office representatives dedicated to the PD function; and an online survey completed by 940 departmental employees, including legal professionals and other professionals.

Limitations

Examining and comparing data for PD at the Department to analyze efficiency and effectiveness were challenging due to the consistency of data entry related to PD attendance, activities and training expenditures. The coding of LPD, CLEP and CSPA training in PeopleSoft and iCase may be inaccurately reported by employees. Furthermore, for the purposes of this evaluation, we did not have complete access to the costs of PD and its management, initiated at the portfolio, sector and regional office level. Despite some data limitations, a triangulated approach of using multiple lines of evidence has helped mitigate the concerns.

4. Key Findings

4.1. Effectiveness

Impact of Professional Development

Justice Canada employees reported generally positive impacts of PD. A majority of respondents also noted that they have been able to apply their knowledge and skills to their work, especially with external training. Although LPD and CLEP post-training survey data does exist, there is no permanent process in place to reliably evaluate and communicate PD impacts, particularly in the long term.

Meeting the Needs of Employees

The majority of departmental employees reported that they get the training they need, although some barriers to accessibility were noted, including budget and operational constraints. Challenges delivering training tailored to regional realities and needs were also noted, including limits to virtual participation related to technological issues and time zone differences. In the absence of a systematic departmental training needs assessment, an objective assessment of the degree to which employees' needs are met is not possible.

Alignment with Priorities

The evaluation found that there is an informal approach to planning and alignment with departmental and federal government priorities across the main providers, portfolios, sectors and regional offices. There is no strategic approach to planning and priority setting at a departmental level.

4.2. Efficiency

Governance and Coordination

There is no overarching governance of the departmental PD function. There is insufficient communication and coordination of PD activities across portfolios, sectors, regional offices and the main PD providers. The majority of key informants stated that roles and responsibilities are unclear across the Department. The lack of a clear governance framework has led to unreliable mechanisms to identify training needs and set annual departmental priorities. Despite these challenges, efforts have been made within Justice Canada to coordinate planning and delivery of training.

Efficient Use of Resources

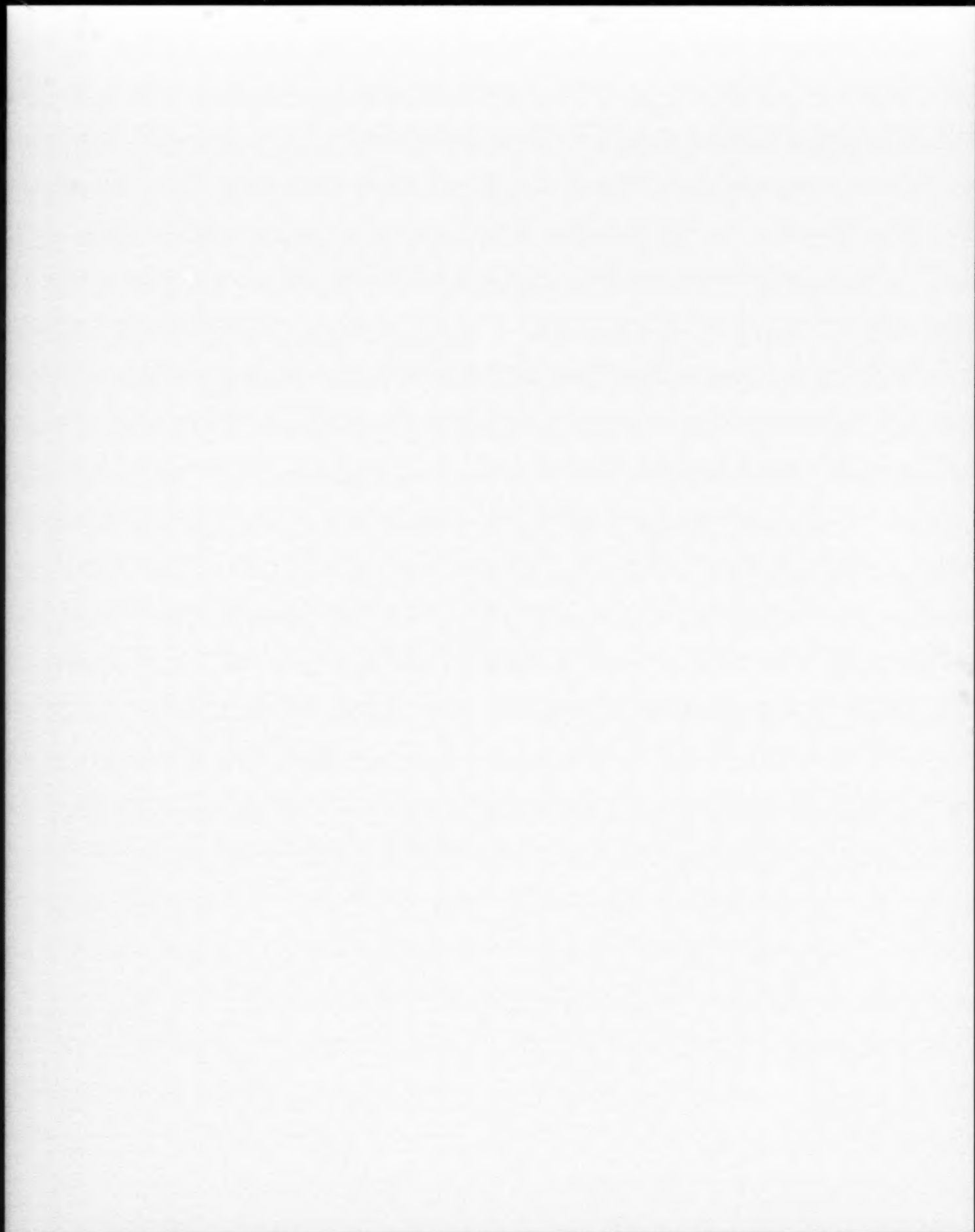
The absence of a coordinated approach to drive alignment of limited resources with departmental and governmental needs and priorities may limit efforts to deliver training to departmental employees in a cost-effective manner. The decentralized nature of PD offered internally, externally and through CSPS poses a risk of overlap and budgetary inefficiencies if the availability and prioritization of PD activities are insufficiently coordinated and communicated. Despite the Department's annual transfer of funds to CSPS, Justice Canada employees are accessing CSPS products at a lower rate than the public service more generally.

5. Recommendations

The evaluation made the following recommendations concerning the PD function:

- **Recommendation 1:** Establish an overarching governance mechanism for the departmental professional development function. The governance mechanism should include representation at a senior level across portfolios and sectors (including regional offices reporting through the National Litigation Sector to provide oversight and high-level guidance, and to ensure that learning activities address departmental and governmental priorities.
- **Recommendation 2:** Establish an overarching, integrated framework for the professional development function within the Department, which would include clarification of the mandate for the departmental professional development providers, as well as clear roles and responsibilities for portfolios and sectors (including regional offices through the National Litigation Sector).
- **Recommendation 3:** Develop a performance measurement strategy to measure the performance of the professional development function.

Management has agreed with the recommendations and has prepared an action plan to respond to each of them.



1. INTRODUCTION

Professional Development (PD) is recognized by the federal government and by the Department of Justice (the Department) as an essential element in ensuring that employees are equipped with the knowledge and skills to effectively deliver on their work objectives.¹ Additionally, employees need to be offered the possibility to develop new skills to meet both departmental business requirements as well as career aspirations. For Justice Canada lawyers, PD training is required by law societies in order to maintain their license to practice law.

1.1. Purpose and Scope of the Evaluation

The evaluation assessed the effectiveness and efficiency of the PD activities offered by the Department to its employees, including legal professionals and other professionals.² These activities included training courses, workshops, seminars and conferences. On-the-job learning activities such as seeking advice from peers, coaching, mentoring,³ job shadowing, short-term assignments, secondments, reading resources and participation in communities of practice were not included in the scope of the evaluation.

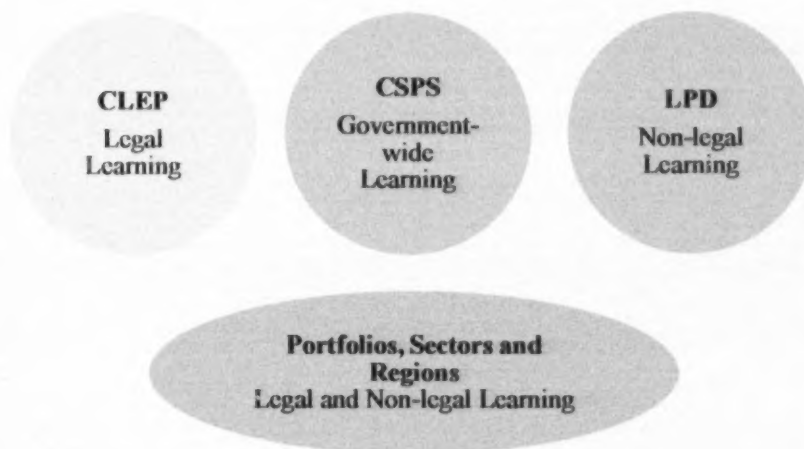
The evaluation was conducted in accordance with Treasury Board's *Policy on Results* (2016). Financial data and PD activities were reviewed over a period of five years (2012-13 to 2016-17) with a greater focus on 2016-17 where more data was available. The approach to examining effectiveness and efficiency, and the measures used to assess progress, are outlined in the Evaluation Matrix (see Appendix A).

2. PROFILE OF THE PROFESSIONAL DEVELOPMENT FUNCTION

The function is based on three main delivery providers.

- **The Continuing Legal Education Program (CLEP)** is responsible for the planning and delivery of wide-ranging legal training on substantive legal content and skills development for all departmental employees.⁴ In addition, CLEP is the main interlocutor with provincial law societies in relation to the accreditation of legal learning to lawyers which varies among law societies across Canada. The Program also manages the accreditation of activities, when applicable, for both the Centre of Expertise for Learning and Professional Development (LPD) and the Canada School of Public Service (CSPS).
- **The Centre of Expertise for Learning and Professional Development** (formerly Professional Development Directorate) is responsible for common, non-legal, and Justice Canada learning not available through the CSPS. LPD also manages the relationship with CSPS and acts as a liaison.
- **The Canada School of Public Service** offers a broad range of government-wide learning opportunities. Beginning in 2014-15, CSPS became the provider of core curriculum common to all public servants.

Figure 1: Current Framework for the Justice Canada Professional Development Function



2.1. Professional Development Activities

The evaluation examined information on the types of PD activities currently available in the Department, and the nature and extent of participation.

PD activities can be offered internally, externally or through CSPA. For the purpose of this evaluation, the following definitions were applied:

- *Internal training* → courses that have been developed or offered by the Department.
- *External training* → activities offered through other departments or private sector providers, excluding CSPA.
- *CSPA training* → courses taken with the School either online on GCcampus or in-person at CSPA in-class training and events.

According to PeopleSoft data, internal training registrations were the most common, followed by external training and CSPA training. The Department offers a wide range of internal training, mostly in-class courses, workshops and in-person or web-based conferences.

Based on both PeopleSoft data and the online survey results, legal training was the most frequent category of training. According to the survey results, the majority of respondents reported participating in PD focused on Substantive Law (52%) and Legal Skills and Practices (45%). The next most frequent categories of PD were Government/Departmental Priorities (37%) and Personal and Professional Effectiveness (36%). Employees who recorded their training hours spent, on average, between a half-day and three days per year on PD. The most frequent methods of delivery for *internal training* were in-class training, followed by virtual (WebEx, Webcast, videoconference) and online training. The most frequent methods of delivery for *CSPA training* were online training, followed by in-class training, and virtual (WebEx, Webcast, videoconference) training. The most frequent methods of delivery for *external training* were in-class training, conferences/events, and online training.

2.1.1. Legal Training

According to the online survey and PeopleSoft data, an extensive array of individual legal training courses, workshops and other modes of PD are available to employees at the Department and are mainly delivered internally. Legal courses offered in the Department are informally grouped into different law series by CLEP as a way to manage the large totality of courses available. For example, there are courses in different practice areas which include, among others, Aboriginal law, access to information and privacy, commercial law, dispute prevention and resolution, and human rights.

Portfolios, sectors and regional offices of the Department also provide PD of various types that they develop and manage themselves or with CLEP's assistance. A detailed review of the entire spectrum of such courses offered by the portfolios, sectors and regional offices was not possible within the scope of the current evaluation.

2.1.2. Non-Legal Training

LPD is responsible for the management and delivery of PD in areas other than law which are common to all departmental employees, and manages the relationship with CSPS. Examples of LPD course offerings include: improving communication (briefing notes, effective presentations); administration, management and financial management; personal development (retirement planning and personal resiliency); mental health (The Working Mind, emotional intelligence and managing stress); and New Employee Orientation.

CSPS also offers a wide range of government-wide learning opportunities. Beginning in 2014-15, in support of Blueprint 2020, the Government of Canada announced an enterprise-wide commitment to learning, with the School playing a central role in the design and delivery of common curriculum to support the operation of all federal institutions, regardless of mandate or location.⁵ They provide courses on the Phoenix Pay and Benefits system, government organization and job classifications, security awareness, values and ethics, green procurement, special learning events, armchair discussions, and executive leadership development courses.

3. EVALUATION METHODOLOGY

3.1. Methods

The evaluation was conducted using a combination of qualitative and quantitative methods.

3.1.1. Document and Data Review

A systematic review of relevant information related to PD was conducted. The document and data review provided descriptive information, informed the development of data collection tools and addressed the evaluation questions in the Evaluation Matrix (see Appendix A). As part of the evaluation, data and reports from iCase (e.g., number of hours legal professionals spend on training) and PeopleSoft Training Self-Service (e.g., number and types of courses registered) were also reviewed. Only data for indeterminate employees or those who were with the Department for more than six months were examined in the evaluation.

3.1.2. Key informant Interviews

Key informant interviews were conducted to provide descriptive information on the following: the governance structure for the PD function; perceptions of the delivery model for PD in the Department more generally; and whether training needs were being met. A total of 34 interviews were conducted with 37 individuals, including individuals responsible for developing, delivering and/or coordinating PD within the Department, and regional and portfolio/sector representatives dedicated to the PD function. These stakeholder groups included the Management and Chief Financial Officer Sector, Legal Practices Sector, National Litigation Sector (NLS) (including regional representation), and various Justice Canada Legal Portfolios. Interviews were conducted by telephone and in person.

3.1.3. Online Survey

An online survey was administered to all departmental employees with indeterminate or term status over six months to gauge the extent to which PD needs were being met and whether any gaps existed. The survey also examined whether there were barriers to accessing PD activities and applying learning on the job. A total of 940 respondents completed the survey questionnaire with representation from all six regions. The completed surveys represent about 22% of 4,341 Justice Canada employees. Those working in the Law Occupational Group (LP and LC⁶) represented 45.5% of respondents to the survey. These survey demographics slightly underrepresent the actual total of LP and LC employees (69%) who work in the Department.⁷

3.2. Limitations

Challenges were noted with regards to the availability, consistency and accuracy of existing data, such as the nature and extent of training undertaken by individual employees, expenditures on training by type/subject matter, and about Department-wide training needs. As a result, examining and comparing data across these different sources (i.e., PeopleSoft, iCase, survey data and financial data) was challenging.

Data drawn from PeopleSoft may be unreliable. First, it is uncertain whether all portfolios, sectors and regional offices track actual course participation in PeopleSoft, or simply registrations. Key informants suggested that the registration figures may overstate participation. For example, some may register in a course and not attend, thereby compromising assessments of numbers and types of courses taken. There are also several training administrators across various sectors with the authority to create course codes in PeopleSoft, leading to challenges in recording and reporting information. Conversely, there may also be an issue of understating registration and participation numbers. Some PD activities are less formal in nature and may not require registration, be developed independently by portfolio, sector and regional managers, or not necessarily be recorded formally in PeopleSoft.⁸ The system relies on individual employees registering their activities in the system, but it is not clear whether they do so in an accurate fashion.

There may also be confusion in the process for registering for CSPS courses on PeopleSoft, leading to underrepresentation of numbers. Comparison of the numbers and percentages of CSPS registrations in PeopleSoft, the evaluation survey, and a summary report from CSPS of departmental course registrations suggest that the School courses are not always recorded in PeopleSoft. Similarly, iCase data documenting time spent attending PD activities on the part of (mainly) legal professionals (counsel, notaries and paralegals) is also subject to inaccuracies because of its reliance on individual recording of time and different ways of capturing time. Some legal professionals, including most legal managers at the LC level and some at the LP level, have no obligation to time keep as they are excluded. This data is limited by virtue of not including the majority of other professionals.

In order to supplement existing data, an online survey was conducted and 940 employees responded. Although this represents only approximately 22% of all Justice Canada employees, this level of response keeps with modern norms for internal surveys, given employee time demands and "survey burnout". A breakdown of demographic information from respondents indicates participation from employees in both legal and other positions, and displays frequencies roughly in line with employee distributions in areas such as gender and location.

Examining and comparing financial expenditures for different types of PD at the Department are challenging. The coding of LPD, CLEP and CSPS training in PeopleSoft and iCase may be inaccurately or inconsistently reported by employees, and there are a variety of ways to record the time. The ability to conduct reliable financial comparisons is limited because PD costs are often

grouped in an "other" category in budgets. As a result, it is difficult to obtain detailed breakdowns of costs for various types of PD across different areas of the Department. Furthermore, for the purposes of this evaluation, we did not have complete access to the costs of PD and its management initiated across portfolios, sectors and regional offices.

4. KEY FINDINGS

This section presents a summary of important findings from the evaluation of the Department's PD function. Because this is the first evaluation of the function, some of the findings are in the form of basic details about the nature and extent of PD availability and usage, mainly in the 2016-17 fiscal year. Despite the limitations regarding the data, the triangulated approach of using multiple lines of evidence has helped mitigate the concerns. The Effectiveness section begins by examining the extent to which the PD function at the Department is achieving its objectives in relation to having meaningful impact, meeting employees' PD needs, addressing barriers to accessing training, and aligning with departmental and governmental priorities. The Efficiency section examines governance, coordination, and whether resources are being used efficiently.

4.1. Effectiveness

4.1.1. Impact of Professional Development

Justice Canada employees report generally positive impacts of PD.

There is no systematic process in place to track impacts of all PD, particularly in the long term. For example, methods to draw findings on effectiveness should include assessments from participants and their managers over time, or finding correlations between participation in training and annual performance assessments, and job advancement. CLEP and LPD request that employees complete a survey following completion of training, but the information is not tracked or analyzed in a systematic or coordinated process with the main delivery providers, portfolios, sectors and regional offices.

That being said, the evidence appears to suggest that PD training at the Department is having positive effects. The online employee survey examined the perceptions of departmental employees about the impacts of the PD they received in 2016-17. Given the training they had received, respondents were asked to what extent they agreed with the following statements. These statements are indicators for measuring impacts.

1. My knowledge and understanding in this area have increased.
2. I have been able to apply the knowledge and/or skills in my work.
3. This training had led to positive changes in my work (e.g., job responsibilities, confidence, career advancement, job effectiveness, etc.).

Employees were asked about the impacts of PD in these three areas depending on the training provider or the category of training. The following key results can be observed from employees'

responses (detailed charts with percentage by internal, external and CSPA training can be found in Appendix B):

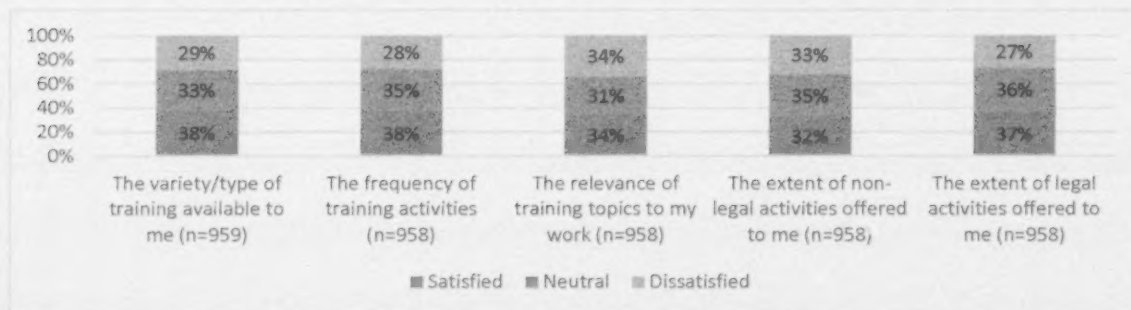
- **Impact of Training:** The assessments of respondents on increased knowledge and understanding were very positive for all types of training. The assessments on the applicability of the knowledge and/or skills to work were also generally positive, whereas respondents' perceptions of the impact of PD on positive changes to their work were somewhat less positive.
- **Training Provider:** Across various categories of training, external training was generally rated by participants to have the most positive impact, followed by internal training, and then CSPA training.
- **Categories of Training:** Based on the survey results across all three questions and training providers, Supervisory/Management Training and Leadership Development were generally rated as having relatively positive impacts. Personal and Professional Effectiveness, and Human Resources, Finance, and Administrative Skills received average ratings relative to other categories of training. Lastly, Government/Departmental Priorities, IT, Technical, Computer/Software, and Substantive Law and Legal Skills and Practices categories generally received less positive impact ratings.⁹

4.1.2. Meeting the Needs of Employees

The majority of Justice Canada employees report that they get the training they need, although some barriers to accessibility were noted, including budget and operational constraints. Challenges in delivering training tailored to regional realities and needs were also noted, including limits to virtual participation related to technological issues and time zone differences.

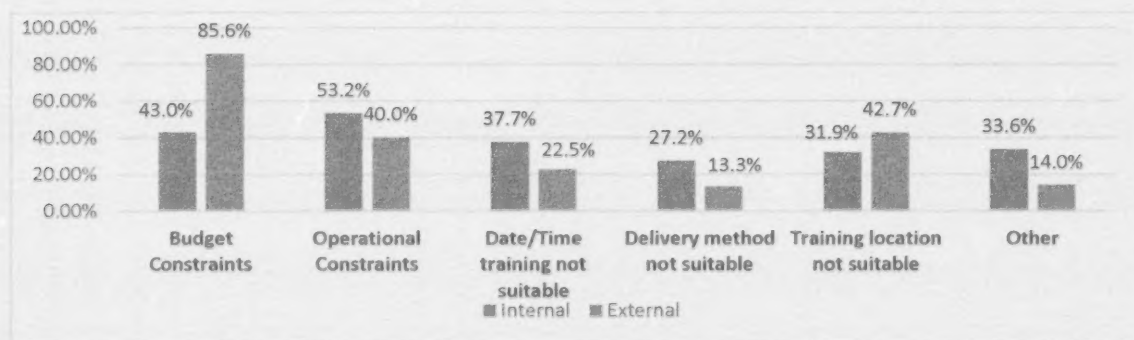
The positive impact of PD noted above is corroborated by the most recent Public Service Employee Survey (2017) data in which 73% of Justice Canada employees indicated they “get the training they need to do their job” (strongly agree and somewhat agree). The results for the Department are also higher than the Public Service generally (66%). However, the percentage of Justice Canada employees reporting that they get the training they need to do their job has fluctuated in past years from 76% in 2011 to 68% in 2014.

Respondents to the evaluation online survey reported a moderate level of satisfaction with the internal training offered in 2016-17 (see Figure 2 below). Responses suggest that potential improvements could be made to satisfaction with internal training, particularly in terms of the relevance of training topics, and the extent of non-legal training activities offered. It was also reported that internal departmental courses may be cancelled due to low enrollment, which may occur more frequently in the case of French language courses. Finally, 53% of respondents to the evaluation online survey reported that they needed more PD than they received.

Figure 2: Professional Development Survey - Level of Satisfaction with Internal Training

Despite the moderate levels of satisfaction, there is currently no systematic needs assessment conducted by the Department in regards to gaps in PD. For example, portfolios generally conduct internal consultations, surveys and research to identify training gaps. Some of these needs have already been identified in many of the Department's legal services evaluations. These evaluations have identified a need for more advanced and specialized legal courses, and recommended improving training opportunities for counsel to better meet their learning needs.¹⁰

Generally, key informants reported that employees have access to a large variety of training and PD activities. However, respondents also reported some barriers to accessing training. As shown in Figure 3 below, respondents to the online survey highlighted internal and external barriers of budget constraints, operational constraints, dates and times for training, delivery methods, technological barriers, and training locations that require travel. The most widely reported barrier of access to external training was budget constraints, while operational constraints were seen as the biggest barrier to internal training. Key informants mirrored some of the challenges of the online survey by citing logistical issues, such as IT and connectivity, the availability and the limited size of meeting spaces, time zone differences, as well as budget constraints and the limited time available of in-house legal experts.

Figure 3: Barriers in Accessing External and Internal Professional Development Activities

Regional Barriers

Key informants interviewed also highlighted barriers to access to PD in the regions. According to the *Justice Learning Policy* (2017), managers and supervisors are required to use a set of common criteria as a guide to ensure fair, objective and transparent treatment of employees, and to establish a consistent approach across the Department to justify decisions when selecting employee participation in learning activities. However, it was observed among key informants that there is a lack of integration of the regions in the PD framework; consequently, training offered by HQ is not tailored to regional realities and needs. There are limits to virtual participation because technology platforms are not established within the Department to fully support distance or repurposed learning materials, which may make regional employees reluctant to participate. Technological issues, such as video connectivity, and the difficulty of time zone differences, as noted in the above paragraph, were emphasized as challenges for the regions. Furthermore, there is no strategy to match content with the optimal learning channel.

4.1.3. Alignment with Priorities

The current approach to planning and alignment with departmental and governmental priorities is primarily informal. There is no systematic strategic approach to planning and priority setting at a departmental level.

A review of relevant documents and interviews with individuals in the Department indicate that while there are mechanisms to provide PD in governmental and departmental priority areas, these are ad hoc in nature and not systematic. Key informants stated that learning needs of employees as well as departmental and federal priorities are key drivers in training development. Key informants noted that there is a common understanding that training should align with priorities, and one way that PD aligns with priorities is through mandatory training offered by the Department. However, there is generally no strategic planning to ensure that overall departmental training aligns with high level priorities. This need is outlined in the Department's Human Resources Management Plan 2017-2020, which encouraged the development of "a departmental learning strategy and plan for business-specific learning priorities in alignment with the CSPA enterprise-wide approach".

The Department recognizes the importance of legal training for the development of knowledge and competencies, and the maintenance of excellence in the delivery of legal services to the federal government. In order to help the Department's legal community meet its continuing PD obligations, CLEP ensures that Justice Canada legal learning activities are accredited with the relevant law societies. The Program also seeks accreditation with law societies, where applicable, for LPD and CSPA training. Requirements around accreditation are always considered; however, a more strategic approach could be beneficial in the development of content, the delivery of

activities and the sharing of courses amongst the main delivery providers, sectors, portfolios and regional offices in the Department.

Beyond what is driven by law society requirements or required across the federal government, PD at Justice Canada is also directed by individual employee and manager preferences. The Learning and Development Plan is a tool embedded in performance agreement templates for all Justice Canada employees. The Plan identifies learning objectives relevant for the employee and support for meeting those objectives. However, PD decisions do not reference a departmental strategic plan.

4.2. Efficiency

The evaluation examined a number of measures related to the management of the PD function at the Department, focusing in particular on the delivery model and governance, as well as the cost effectiveness of PD development and delivery. The evaluation sought to identify challenges the Department faces in effective and efficient development and delivery of the PD function, and to identify any best practices that might help guide future planning.

4.2.1. Governance and Coordination

There is no overarching governance of the PD function that encompasses the departmental delivery providers, portfolios, sectors and regional offices. Although there is some communication of PD activities across these areas, this could be increased to improve efficiency and facilitate sharing of training resources and activities. Roles and responsibilities were not always clear.

To a great extent, PD is decentralized in the Department. Although there are two strong loci of planning and delivery with central functions (CLEP and LPD), training is also developed and delivered by CSPS, individual portfolios, sectors and regional offices, and external sources such as the law societies. The absence of an overarching corporate approach and strategy to training has resulted in a lack of coordination of PD activities across the Department. The current approach exposes the Department to the risk of inefficiencies and potential duplication of services. Some key informants believed there was little overlap, although others highlighted potential issues such as overlap across portfolios, sectors and regional offices, overlap between CSPS and other courses in the Department, and overlap related to administration and coordination of training between CLEP and LPD. In addition, their mandates are unclear for clients and they are confused as to what support each can offer in terms of in-house PD activities.

Planning occurs generally at the corporate, portfolio, sector and regional office level. The majority of key informants noted that there are unclear roles and responsibilities, and insufficient departmental-level planning. For example, although CLEP has a role to provide legal training, a

number of key informants noted that individual portfolios, sectors and regional offices are responsible for identifying their own needs and developing curriculum. However, it was also noted that some ad hoc coordination takes place among portfolios, sectors and regional offices as well as CLEP or LPD to deliver training (e.g., invitations to employees in other portfolios to attend training that may be relevant to them).

Furthermore, regional roles and responsibilities, as well as the approval process for the planning and delivery of PD, are unclear. Some respondents indicated that approval was the responsibility of the Regional Director Generals, along with their management teams. In some regions, there is an active Training Development Committee of lawyers and paralegals. Regions may consider departmental priorities, but usually training is operational in nature and focuses on the provision of high-quality legal services. Training tends to be more practical, dealing with day-to-day practices, meeting regionally identified needs to fill knowledge/skills gaps and law society requirements.

Despite some challenges, the Department has made efforts to coordinate planning and delivery of training. Some examples of best practices were identified below by key informants for the evaluation. The impacts of these practices may be enhanced by sharing information on the content or processes of these initiatives across the Department.

- **Aboriginal Affairs Portfolio Integrated PD Program** (DM award for creativity and innovation): In 2012-13, the Aboriginal Affairs Portfolio introduced a PD and training program identifying and addressing common learning needs across the Portfolio that are consistent with its business goals and strategic objectives, avoiding duplication of effort and sharing best practices. The program is client-focused and innovative.
- **Annual Learning Days:** The Business and Regulatory Law Portfolio and Public Safety, Defence, and Immigration Portfolio both hold annual learning days with CLEP's assistance to bring together lawyers from the Department and externally to advance learning and PD in those areas.
- **E-Litigation Group:** This was a two-day learning event put on by the Litigation Branch, bringing together employees from the regions and HQ to learn about and discuss "litigation for women". This event is managed and delivered with CLEP's assistance.
- **Justice Training Calendar:** The Calendar is maintained by LPD and is available for employees to access the Justice Canada intranet site. Information on upcoming training opportunities is updated by LPD and CLEP.
- **Talent Management Program:** The Department implements the Program in keeping with Treasury Board requirements to ensure that people are matched to the right jobs for their skills, competencies and career plans.

- **Tax Law National Learning Committee:** This is one of the Portfolio's set of National Coordination Committees. It coordinates needs identification and effective delivery of training.

4.2.1.1 Recent Initiatives in Governance

Documents shared by CLEP and LPD indicate that steps are being taken to promote greater coordination in training development and delivery across the Department. For example, a departmental Learning Steering Committee is being proposed that could provide oversight and high-level guidance for the development and implementation of departmental learning programs and activities for all employees. The mandate of the proposed committee would be to ensure the delivery of an efficient, cost-effective and coordinated national approach to learning. In addition, a Directive on Continuing Legal Learning in the Department of Justice is under development.

A key ingredient of the proposed enhancements would be much-improved communication across the Department, so that the main delivery providers, portfolios, sectors and regional officers would know what was happening at each level in order to help consolidate training needs and availability, initiate training to fill gaps, and maximize sharing of resources. The recent reorganization of CLEP's structure in 2017 may assist to facilitate this collaboration. The reorganization includes a review of processes, including the creation of detailed roles and responsibilities for the development and coordination of legal learning across Justice Canada legal portfolios to promote better coordination of training activities.

4.2.2. Efficient Use of Resources

The absence of a coordinated approach to drive alignment of limited resources with departmental and governmental needs and priorities may limit efforts to deliver training to Justice Canada employees in a cost-effective manner.

As highlighted in the Limitations section, examining and comparing costs for PD at the Department is challenging. Due to the way that financial systems record training-related expenditures, combined with the uncertainty regarding the completeness and consistency of training activity records, it would be extremely difficult to conduct a meaningful financial analysis on a cost comparison between CSPS, external and internal training. As a result of the governance structure discussed above, there is a lack of central oversight to drive alignment of expenditures with priorities and needs, and to develop and communicate best practices in recording PD activities and associated financial coding.

Table 1 presents overall Operations and Maintenance expenditures for employee PD.¹¹ These expenditures include only the cost of the courses, registration fees, conferences, training equipment and supplies, travel for training, and associated logistical expenses. Expenditures for language training have been excluded. As illustrated by Table 1, expenditures for internal and external

training courses have decreased in FY 2016-17, although Table 2 demonstrates that the flat rate transferred to CSPS annually has increased over time. These expenditure shifts align with the new role of the School beginning in 2014-15 as the common core learning provider. Additionally, the payment to CSPS based on courses taken has declined as the change to the flat rate transfer was gradually implemented.

Table 1: Operations and Maintenance Expenditures for Employee Professional Development

Fiscal Year	2012-13	2013-14	2014-15	2015-16	2016-17
Internal and external courses (<i>excluding language training</i>)	\$3,744,443	\$3,097,399	\$3,788,035	\$3,677,680	\$3,420,697
CSPS (<i>based on payment per course taken</i>)	\$262,186	\$223,847	\$226,702	\$92,456	— ¹²

Table 2 presents the A-base funding transferred to CSPS to provide training. The flat rate transferred to the School annually is calculated based on the number of departmental employees, and the reference level has been adjusted to reflect an annual transfer of \$1,015,450 to CSPS on an ongoing basis beginning in 2016-17.

Table 2: A-Base Funding Transfer to the Canada School of Public Service

Fiscal Year	2012-13	2013-14	2014-15	2015-16	2016-17
Canada School of Public Service (<i>based on reference level</i>)	n/a	n/a	\$242,825	\$485,650	\$1,015,450

According to CSPS, data for 2016-17 shows that 56.6% of Justice Canada employees accessed CSPS products, which is lower than the participation rate for the public service more generally at 72%.¹³ The report also notes that one of CSPS measures of success is the extent to which employees take courses related to the four main government priorities, which include healthy and respectful workplaces, official languages, service excellence, and values and ethics. Their numbers show that 13.7% of departmental employees have accessed learning activities at the School related to one of the identified priorities offered by the School, while 22.9% of Public Service-wide employees have. The report does not identify why Justice Canada employees may have a lower participation rate. However, the lower rates may be influenced by the fact that CSPS does not offer legal training courses¹⁴ and the majority of Justice Canada employees are legal professionals.

Based on available data, it is not clear if the Department is using CSPS courses to the fullest extent possible. It will be important for CSPS courses to be used strategically as part of an overall departmental training strategy in order to make the most of the training dollars that the Department will transfer to the School annually on an ongoing basis, as part of the Government of Canada's enterprise-wide commitment to learning with CSPS.

As noted in the section on Governance and Coordination, the decentralized nature of PD poses a real risk of overlap and budgetary inefficiencies, if there is insufficient coordination and communication on the availability and prioritization of PD activities. Key informants indicated

there may be some duplication in the types of PD activities offered amongst portfolios, sectors and regional offices, and between the Department and CSPS. The extent of duplication is difficult to determine due to the decentralized manner in which PD is organized, delivered and tracked. Budget constraints on training, noted by key informants and many respondents to the evaluation survey, highlight the importance of departmental PD priority setting so that the limited available resources are directed to critical needs. Strategic planning and oversight may help to keep managers informed of all available courses and maximize the cost effectiveness of courses.

However, throughout the evaluation, several efforts to deliver training in a cost-effective manner within the Department were also highlighted. CLEP and LPD have a weekly stand-up meeting to discuss operations to ensure coordination. In addition, some coordination exists between portfolios with regard to delivering legal training (i.e. invitations to employees in other portfolios to attend legal training that may be relevant to them), although this could be expanded. Some examples of cost-effective solutions include the use of WebEx videoconferencing, the expansion of online training and supporting technologies, the use of internal expertise to design and deliver training, and the pooling of resources with the Canadian Bar Association and provincial justice departments.

5. CONCLUSIONS, RECOMMENDATIONS AND MANAGEMENT RESPONSE

This evaluation examined both the effectiveness and efficiency of the PD function at the Department. Effectiveness was considered in terms of Justice Canada achieving its objectives in relation to having meaningful impact, meeting employees' PD needs, addressing barriers to accessing training, and aligning with departmental and governmental priorities. Governance structures and resources were analyzed for efficiency. Examining and comparing costs for PD at the Department is challenging due to the availability, consistency and accuracy of existing data, such as the nature and extent of training undertaken by individual employees and expenditures on training by type/subject matter. Despite these data limitations, a triangulated approach of using multiple lines of evidence has helped mitigate the concerns.

Specifically, results of this evaluation indicate that:

- **Justice Canada employees report generally positive impacts of PD**, particularly for external training. Although there are LPD and CLEP post-training surveys, there is no permanent process in place to reliably evaluate and communicate PD impacts, particularly in the long term.
- **The majority of Justice Canada employees report that they get the training they need, although some barriers to accessibility were noted**, including budget and operational constraints. Challenges in delivering training tailored to regional realities and needs were also noted, including limits to virtual participation related to technological issues and time zone differences. Without a systematic departmental training needs assessment, an objective assessment of the degree to which employees' needs are met is not possible.
- **There is an informal approach to planning and alignment with departmental and federal government priorities**. There is no strategic approach to planning and priority setting at a departmental level.
- **There is no overarching governance of the departmental PD function that encompasses the main delivery providers, portfolios, sectors and regional offices**. Although there is some communication of PD activities across these areas, this could be increased to improve efficiency and facilitate sharing of training resources and activities. Roles and responsibilities were not always clear. Despite some challenges with coordination, several portfolios, sectors and regional offices within the Department provided best practice examples of training delivery.
- **The absence of a coordinated approach to drive alignment of limited resources with departmental and governmental needs and priorities may limit efforts to deliver training to Justice Canada employees in a cost-effective manner**. Although the Department annually

transfers funds to CSPS, Justice Canada employees are accessing CSPS products at a lower rate than the public service more generally. This lower rate may be attributed to the absence of legal training and limited number of accredited courses at CSPS. However, the Department demonstrates efforts to deliver training in a cost-effective manner, such as through the use of internal expertise to design and deliver training.

The evaluation has reported on the positive impacts, best practices and ongoing efforts to improve planning and delivery of PD in the Department. However, several challenges were identified related to coordination of the PD function and consistency and efficiency of planning, delivery and data collection. As a result, the following recommendations are made to enhance coordination as well as strategic planning and delivery of the function across the Department:

Recommendation 1:

Establish an overarching governance mechanism for the departmental professional development function. The governance mechanism should include representation at a senior level across portfolios and sectors (including regional offices reporting through the National Litigation Sector), to provide oversight and high-level guidance, and to ensure that learning activities address departmental and governmental priorities.

Management Response:

The Human Resource Branch's Centre of Expertise for Learning and Professional Development and the Legal Practices Sector's Continuing Legal Education Program are working together to establish a Learning Steering Committee comprised of senior representatives from each portfolio/sector. The Committee will provide oversight and high-level guidance for the development and implementation of legal and non-legal departmental learning programs and activities in order to ensure the delivery of an efficient, cost-effective and coordinated national approach to learning.

Recommendation 2:

Establish an overarching, integrated framework for the professional development function within the Department, which would include clarification of the mandate for the departmental professional development providers, as well as clear roles and responsibilities for portfolios and sectors (including regional offices through the National Litigation Sector).

Management Response:

The Human Resource Branch's Centre of Expertise for Learning and Professional Development and the Legal Practices Sector's Continuing Legal Education Program will work with key stakeholders to develop an integrated framework for the professional development function that will clarify roles and responsibilities and propose an approach for which regions, sectors and

portfolios should work together to more efficiently address learning needs and report on learning investments. The framework will also include the need to perform a formal corporate learning needs analysis to strategically identify learning needs for the organization.

Recommendation 3:

Develop a performance measurement strategy to measure the performance of the PD function.

Management Response:

The Human Resource Branch's Centre of Expertise for Learning and Professional Development and the Legal Practices Sector's Continuing Legal Education Program will work with key stakeholders to establish a performance measurement strategy that will measure the performance of the professional development function for the Department.

Appendix A: Evaluation Matrix

Evaluation Matrix — Evaluation of Department of Justice Canada Professional Development (PD) Function

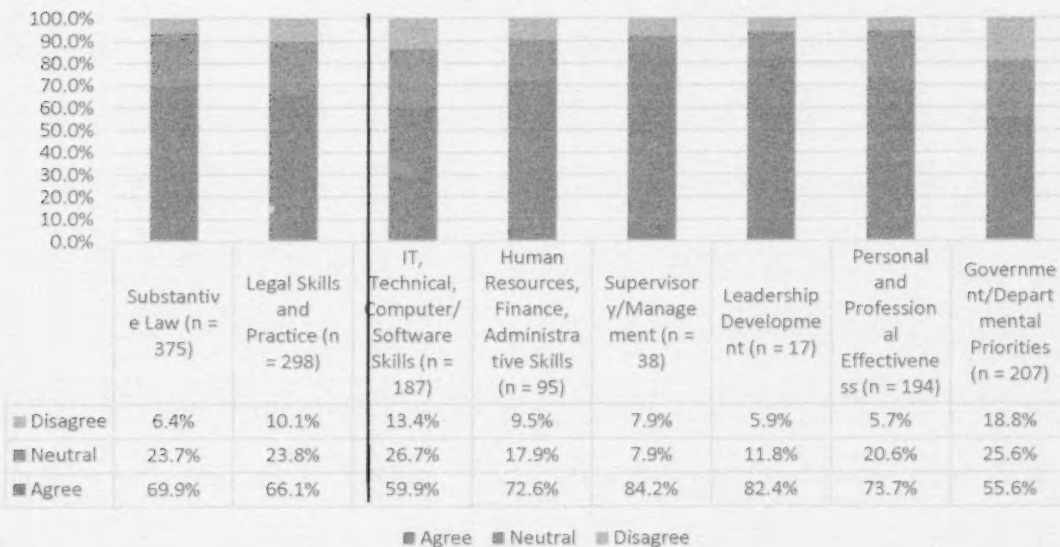
Issues/Questions	Indicators	Data Sources	Timing of Data Collection	Responsibility for Data Collection
Outputs:				
1. What types of internal PD activities were offered in 2016-17?	1.1 Number and nature (e.g., whether it is legal or non-legal training) of internal PD activities that have been offered to departmental employees	Administrative files (e.g., data and reports from iCase, CSPA reports, and PeopleSoft Training Self-Service)	Evaluation	Evaluation Division
Demographic information:				
2. What is the demographic profile of employees who participated in PD activities (internal and external)?	2.1 Work unit (Portfolio, Branch, Sector, Region) 2.2 Classification 2.3 Employment status (indeterminate, term) 2.4 Gender 2.5 Years of service at Justice Canada 2.6 Years of service in federal government	- Survey of employees - Administrative files - Assessment forms	Evaluation	Evaluation Division
Extent of participation in internal PD:				
3. What is the <i>level</i> of participation in internal and external PD activities?	3.1 Number of employees who have participated in the internal PD activities offered by the Department (look at this by demographic profile) 3.2 Number of employees who have participated in external PD activities (look at this by demographic profile)	- Survey of employees - Administrative files	Evaluation	Evaluation Division
4. What is the <i>intensity</i> of participation?	4.1 Average number of days/hours employees have participated in PD activities (internal and external to the Department)	- Survey of employees - Administrative files	Evaluation	Evaluation Division
5. What <i>types</i> of PD activities do employees participate in?	5.1 Activity/event type (e.g., supervisory skills, personal development) 5.2 Category of training (e.g., legal knowledge, legal skills, non-legal training) 5.3 Internal vs external training (% types, costs)	- Survey of employees - Administrative files	Evaluation	Evaluation Division

Issues/Questions	Indicators	Data Sources	Timing of Data Collection	Responsibility for Data Collection
Effectiveness:				
6. To what extent do the internal and external PD activities taken by employees meet their needs?	6.1 % of employees who indicate that the types and frequency of internal and external PD activities meet their needs 6.2 % of employees who would like more internal and external PD than they received 6.3 Reasons that best explain what had prevented them from participating in more internal and external PD 6.4 Areas of their work where employees have the greatest PD need 6.5 Factors that facilitate/hinder participation in internal and external PD activities 6.6 Types of internal and external PD activities that are most effective in providing employees with the PD they need	- Survey of employees - Post-training assessment forms	Evaluation	Evaluation Division
7. To what extent are the Department's internal PD activities aligned with departmental priorities, priorities of the federal government, and continuing PD requirements of law societies?	7.1 Extent of alignment of internal PD activities with departmental and federal government priorities 7.2 Extent of alignment of internal PD activities requirements of law societies	- Key informant interviews - Document review	Evaluation	Evaluation Division
8. Does access to internal and external PD vary across the Department?	8.1 Level of access (e.g., policies, approvals, availability, technology) to internal and external PD 8.2 Nature of barriers to accessing internal and external PD	- Key informant interviews - Survey of employees	Evaluation	Evaluation Division
9. What has been the impact of the internal and external PD received?	9.1 Employees' perceptions on the extent to which they apply knowledge and skills gained through internal and external PD when they return to work 9.2 Employees' perceptions on the extent to which internal and external PD has led to positive changes (e.g., in job responsibilities, confidence, career advancement, effectiveness in job)	- Survey of employees - Focus groups (if necessary)	Evaluation	Evaluation Division

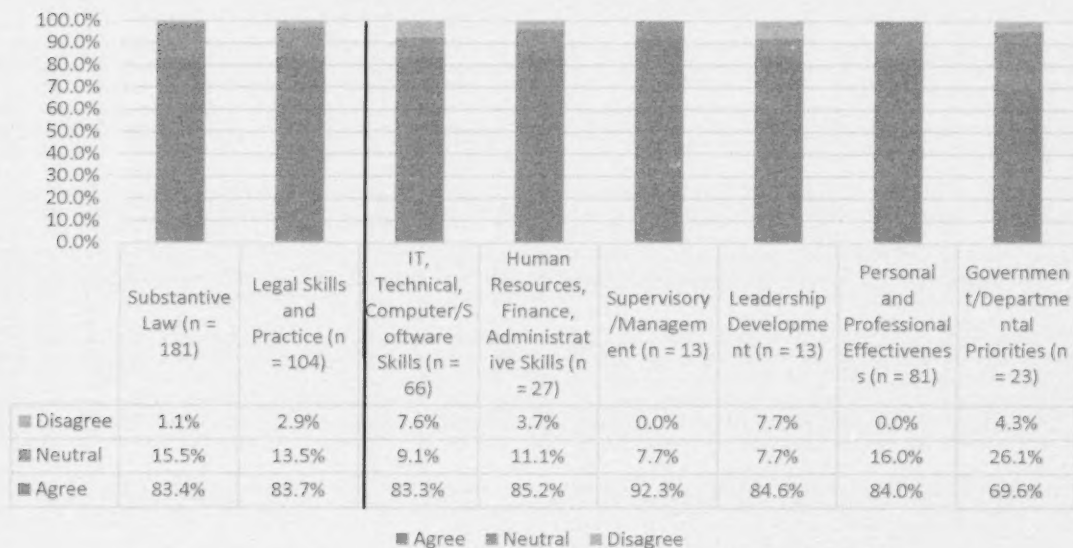
Issues/Questions	Indicators	Data Sources	Timing of Data Collection	Responsibility for Data Collection
Efficiency:				
10. What is the governance structure of PD in the Department? Are the roles and responsibilities clear?	10.1 Description of governance structure of PD provided by key informants 10.2 Extent to which key informants believe that roles and responsibilities are clear 10.3 What information is tracked/monitored, how it is done and by whom?	• Key informant interviews	Evaluation	Evaluation Division
11. What is the Department's delivery model for internal and external PD?	11.1 Nature of delivery model(s)	• Document review • Key informant interviews	Evaluation	Evaluation Division
12. To what extent are internal PD activities developed and/or delivered in a cost-effective manner?	12.1 Number, types and cost of CSPS courses taken by Justice Canada employees 12.2 Mechanisms in place to develop and deliver internal PD in a coordinated manner 12.3 Extent of overlap or duplication (e.g., with CSPS courses, across portfolios, internal vs external training)	• Administrative files (e.g., financial reports) • Key informant interviews	Evaluation	Evaluation Division
13. Are there challenges to the development or delivery of internal PD activities at headquarters? In the regions?	13.1 Nature of challenges (e.g., location, connectivity, approvals, registration, contracting) 13.2 Types of mechanisms in place to address challenges	• Document review • Key informant interviews	Evaluation	Evaluation Division
14. What best practices in support of internal PD exist within the Department?	14.1 Nature of best practices in support of internal PD within the Department	• Key informant interviews • Administrative files	Evaluation	Evaluation Division

Appendix B: Impact of Professional Development

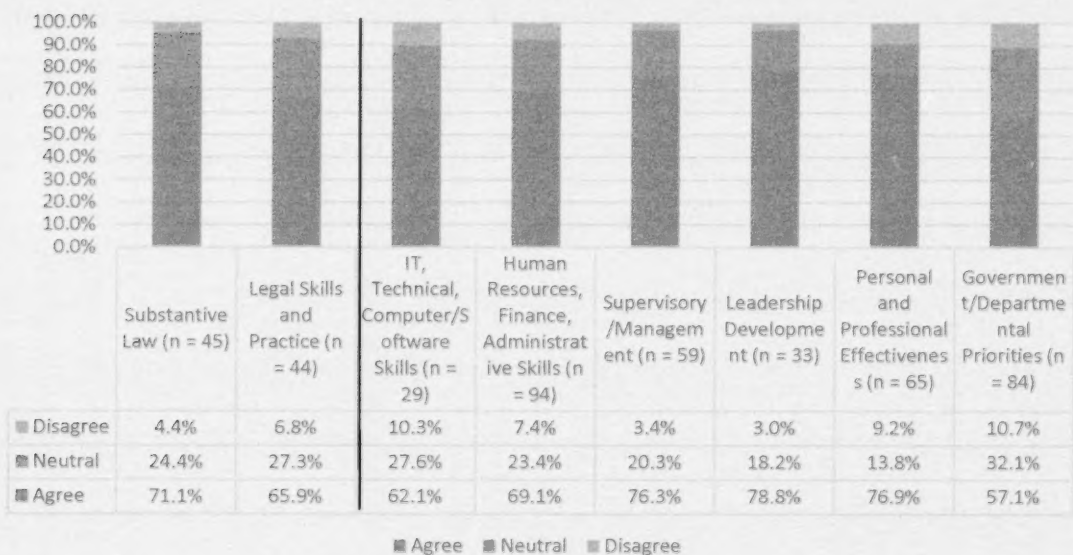
"As a result of the internal training I have received overall, my knowledge and understanding in this area have increased."



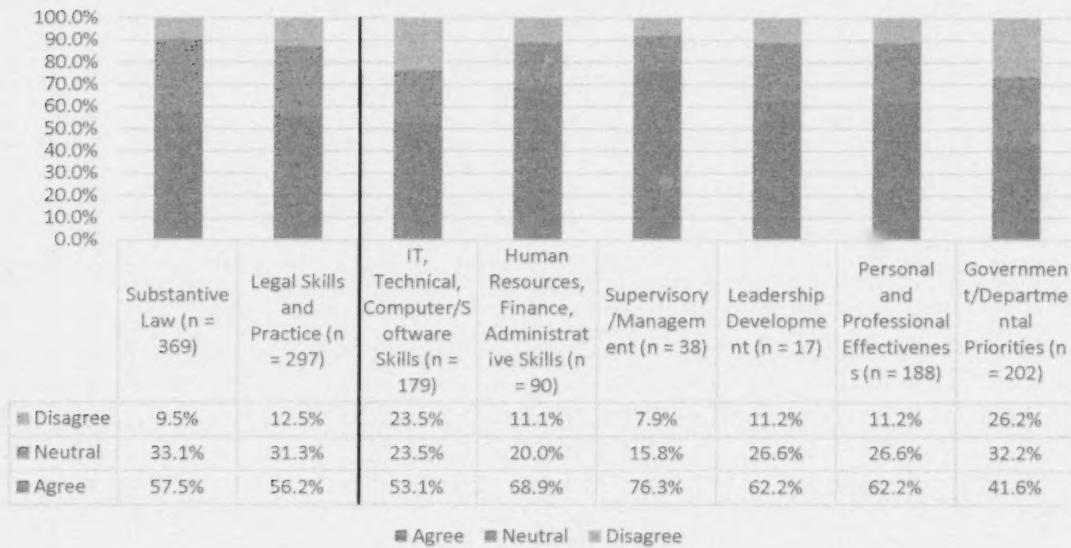
"As a result of the **external** training I have received overall, my knowledge and understanding in this area have increased."



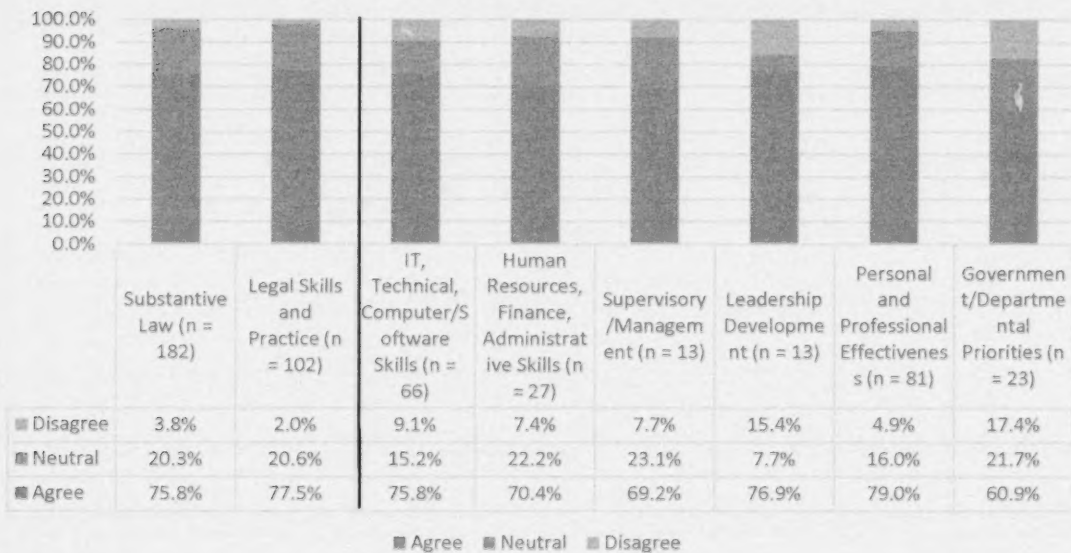
"As a result of the **CSPS** training I have received overall, my knowledge and understanding in this area have increased."



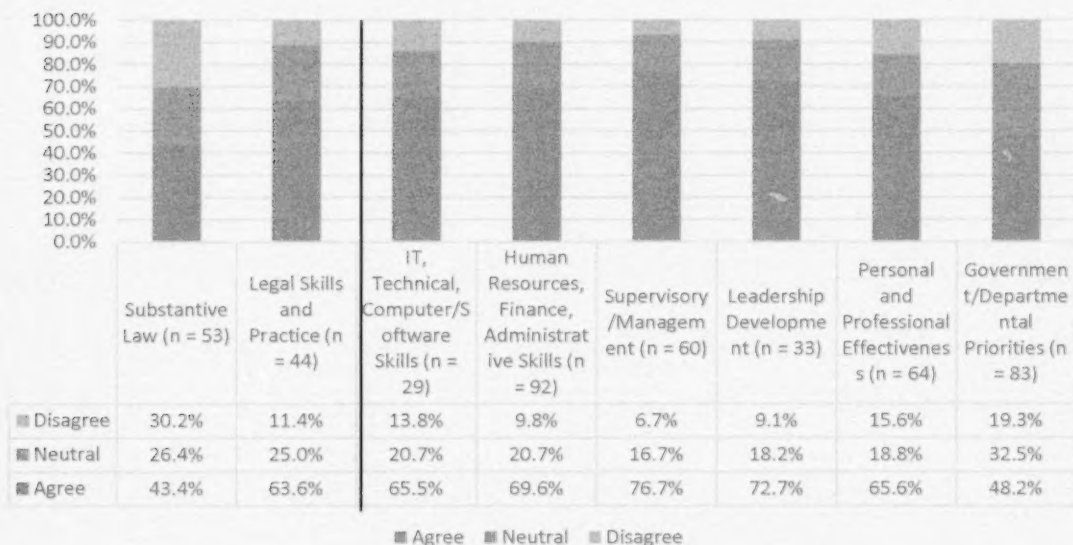
"As a result of the **internal** training I have received overall, I have been able to apply the knowledge and/or skills in my work."



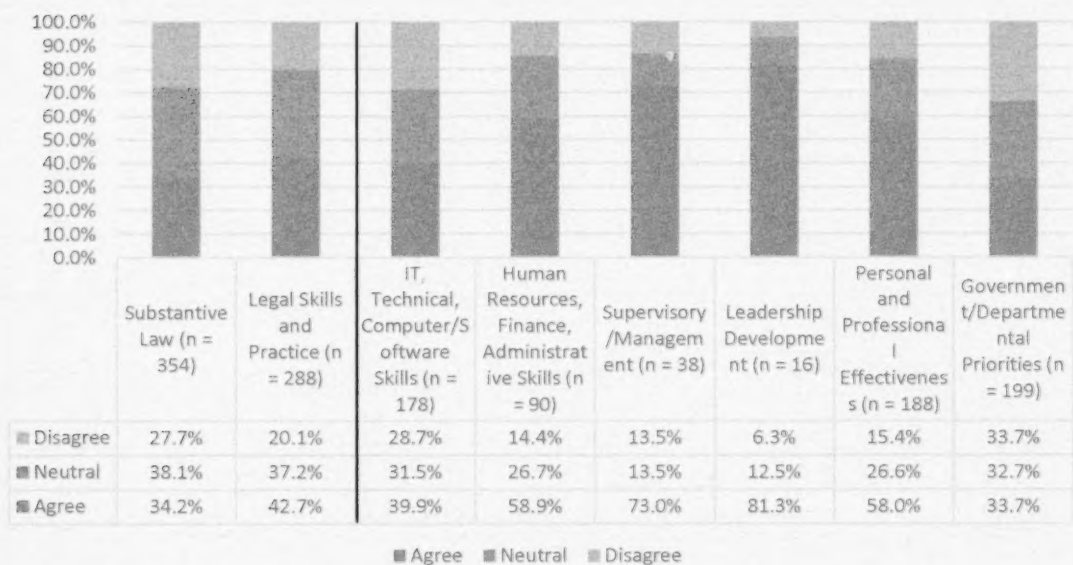
"As a result of the **external** training I have received overall, I have been able to apply the knowledge and/or skills in my work."



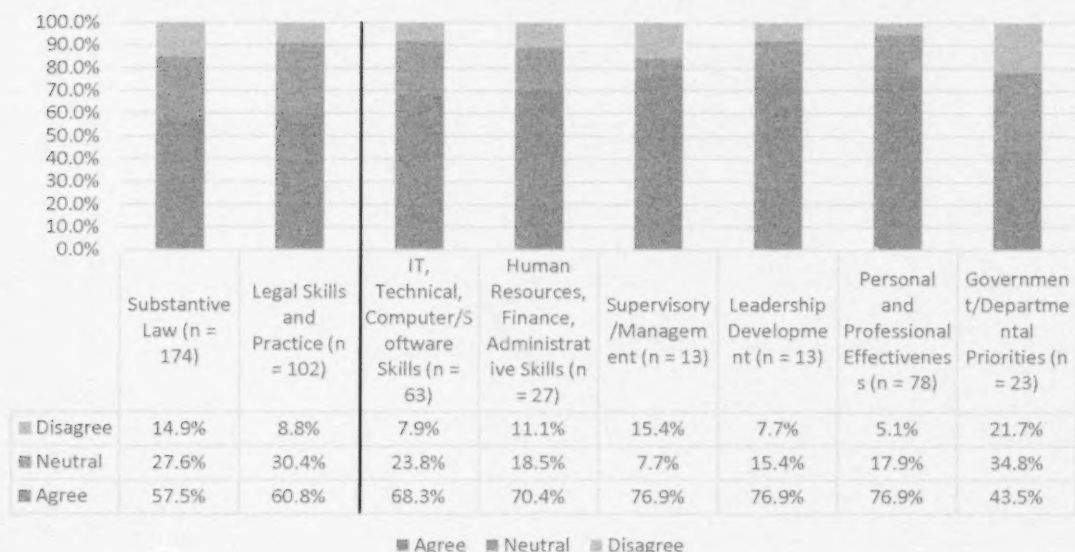
"As a result of the **CSPS** training I have received overall, I have been able to apply the knowledge and/or skills in my work."



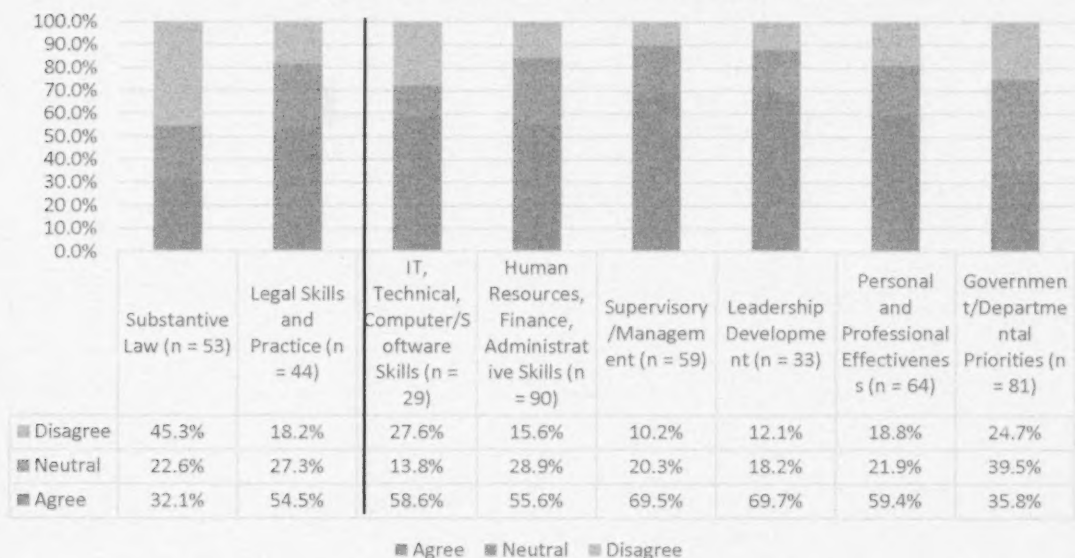
"Internal training had led to **positive changes** in my work (e.g., job responsibilities, confidence, career advancement, job effectiveness, etc)."



"External training had led to positive changes in my work (e.g., job responsibilities, confidence, career advancement, job effectiveness, etc)."



"CSPS training had led to positive changes in my work (e.g., job responsibilities, confidence, career advancement, job effectiveness, etc)."



Appendix C: End Notes

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- ¹ This commitment is reflected in the Department's updated Learning Policy of February 2017.
 - ² Notwithstanding the limitations around the data, it has been used in this report in a triangulated approach to mitigate these concerns. Please see the "Limitations" section for further detail.
 - ³ An assessment of the Department's National Mentoring Program was completed in November 2011. Since it yielded positive findings, the Program was not examined as part of the evaluation.
 - ⁴ Since April 2016, legal learning (CLEP) moved from the Human Resources Sector, Professional Development Directorate to the Legal Practices Policy Branch, Legal Practices Sector.
 - ⁵ Canada School of Public Service. 2015-16 Report on Plans and Priorities.
 - ⁶ Human Resources Information Notices. (2013). <https://www.canada.ca/en/treasury-board-secretariat/services/information-notice/implementation-new-law-practitioner-classification-standard-conversion.html>
 - ⁷ Department's Human Resource Management Plan for 2017-2020, March 2016 figures.
 - ⁸ The Learning Policy makes the distinction between formal and informal activities, and explains what should be tracked in PeopleSoft.
 - ⁹ Although CSPA does not offer substantive legal training, there are exceptions such as armchair discussions where Justice Canada experts address legal topics. This is why some survey respondents may have indicated they took substantive legal training through CSPA, as seen in Appendix B.
 - ¹⁰ These evaluations include those of the Litigation Branch and Public Safety, Defence and Immigration Portfolio (both published in 2015), as well as those of the Central Agencies Portfolio, the Business and Regulatory Law Portfolio, and the Aboriginal Affairs Portfolio (all published in 2016).
 - ¹¹ Note that these expenditures include the cost of employee training and development only. Expenditures related to the management of the PD function in the Department are not included in this table. Language training expenditures were excluded from this analysis as language training was not included in the scope of the evaluation.
 - ¹² Note that this expenditure was reported as \$75. This expenditure is an insignificant residual amount, and as such, it was excluded from the table.
 - ¹³ These numbers are based on "Registration Data - ILMS Registration Cube as of January 31, 2017" found in the CSPA Learning Indicator Report for Department of Justice Canada, 2017 and do not necessarily indicate attendance data.
 - ¹⁴ Although CSPA does not offer substantive legal training, there are exceptions such as armchair discussions where Justice Canada experts address legal topics.